

Remarks

By this Amendment, claims 14-22 are cancelled without prejudice or disclaimer to the subject matter therein, and new claims 23-29 are added. Reconsideration and further examination of the application are respectfully requested based on the above amendments and the following remarks.

On page 2 of the Office Action, the Examiner has rejected claims 14-22 under 35 U.S.C. § 102(b) as being anticipated by Ohno (U.S. 2002/0025443). The cancellation of claims 14-22 renders the rejection of claims 14-22 moot. Further, this rejection is believed clearly inapplicable to newly added claims 23-29 for the following reasons.

Independent claim 23 and similarly independent claim 29, recite a reflective layer that is formed as a film directly on a substrate. In contrast to the claimed invention, the reflective layer 5 of Ohno is not formed directly on the substrate 1 of Ohno. As shown in Fig. 1 of Ohno, the reflective layer 5 and the substrate 1 are separated from each other by the crystal grain size controlling layer 6. As such, Ohno fails to disclose the claimed optical recording medium structure as recited in claims 23 and 29. In addition, by virtue of their dependence on claim 23, claims 24-28 are also not disclosed by Ohno.

On page 2 of the Office Action, the Examiner has rejected claims 14-16 and 22 under 35 U.S.C. § 102(b) as being anticipated by Aratani et al. (U.S. 6,788,635). The cancellation of claims 14-16 and 22 renders the rejection of claims 14-16 and 22 moot. Further, this rejection is believed clearly inapplicable to newly added claims 23-29 for the following reasons.

As noted above, independent claim 23 and similarly independent claim 29, recite a reflective layer that is formed as a film directly on a substrate. Further, independent claims 23 and 29 also recite a cover layer; a reflective layer-side dielectric layer disposed between the reflective layer and the recording layer; and an incident light-side dielectric layer disposed between the recording layer and the cover layer. Aratani et al. fails to disclose these features. In contrast to the claimed invention, the reflective layer 3 of Aratani et al. is not in contact with the substrate 1 of Aratani et al. As shown in Fig. 1 of Aratani et al., the reflective layer 3 and the substrate 1 are separated from each other by the information layer 2. Furthermore, the optical

recording medium S of Aratani et al. only includes a substrate, an information layer, a reflective film, an adhesive agent 4, and a substrate 5 (see, e.g., Fig. 1). Clearly, the optical recording medium S of Aratani et al. lacks the claimed cover layer, the claimed reflective layer-side dielectric layer, and the claimed incident light-side dielectric layer, as recited in claims 23 and 29. As such, Aratani et al. fails to disclose all of the features recited in claims 23 and 29. In addition, by virtue of their dependence on claim 23, claims 24-28 are also not disclosed by Aratani et al.

In view of the above, Applicants respectfully request allowance of claims 23-29.

For the forgoing reasons, it is respectfully submitted that the present application is clearly in condition of allowance. An early notice thereof is earnestly solicited.

If, after reviewing this amendment, the Examiner feels that there are any issues remaining which must be resolved before the application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Haruhiko HABUTA et al.

/Timothy S. Smith/
2008.09.18 15:53:44 -04'00'
By: _____
Timothy S. Smith
Registration No. 58,355
Attorney for Applicants

TSS/emj
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
September 18, 2008